

Caddo Parish Communications District Number One

1144 Texas Avenue
Shreveport, Louisiana 71101

Martha Carter, 911 Administrator

Telephone: 318 226 6282

March 17, 1995

DOCKET FILE COPY ORIGINAL

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Reference: CC Docket No. 94-102

Gentlemen:

Enclosed are the original and nine copies of Reply Comments of Caddo Parish Communications District Number One in the Commission's Notice of Proposed Rule Making in CC Docket No. 94-102.

Sincerely,

Martha Carter

Martha Carter, 9-1-1 Administrator

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
Revision of the Commission's rules)
to ensure compatibility with)
enhanced 9-1-1 emergency calling systems)

CC Docket No. 94-102

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To the Commission:

REPLY COMMENTS OF
CADDO PARISH COMMUNICATIONS DISTRICT NUMBER ONE
TO NOTICE OF PROPOSED RULE MAKING

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Caddo Parish (Louisiana) Communications District Number One is pleased to submit its Reply Comments in CC Docket No. 94-102. More than 100 sets of initial comments were filed in response to the Notice of Proposed Rule Making. The District has reviewed them, finds merit in many of the respective positions under discussion, and urges the Commission to take into account these differing positions as it moves ahead in this important matter.

The number of initial comments filed and the wide range of issues discussed support the concern of the District that the Commission may be attempting to resolve a number of problems all of which may not yet be ripe for resolution in this one proceeding. The District does not believe it imperative that all relevant problems be resolved and all changes implemented in one stroke. As amply

in the initial comments, the District believes there is a degree of "standardization" of E 9-1-1 procedures themselves to be achieved prior to adoption by the Commission of a deadline by which new national PBX or commercial mobile service 9-1-1 access standards will be necessary.

Its experience, memberships and interests in this proceeding most closely ally the District with the Association of Public-Safety Communications Officials-International (APCO), the National Emergency Number Association (NENA), and the National Association of State Nine One One Administrators (NASNA). The District also agrees, however, with the suggestion of the Personal Communications Industry Association that a work effort of parties that will be affected by this rulemaking be convened by the Commission and the effort be divided into clearly separable tasks, responsibilities and timetables.

One such "get ready" step being undertaken in the State of Louisiana is the introduction in the Legislature of An Act, titled "Special Districts" which "provides for multi-parish communications districts and authorizes all such districts to increase the emergency telephone service charge and to impose the charge on cellular and wireless service, and otherwise providing with respect thereto."¹

¹ This draft legislation is scheduled for introduction in the Louisiana Legislature on March 24, 1995. It is attached to these Reply Comments as Appendix A.

As it expressed in its initial comments, the District strongly supports the Commission's stated objectives in CC Docket No. 94-102 insofar as they look toward users of the public switched telephone, including PBXs and subscribers to cellular and new wireless personal communications services, being able to access 9-1-1 emergency number services on as "standard" a basis as is possible and as quickly as such a situation can be brought into being.

It is clear from the diversity of initial comments submitted in this proceeding that further technological progress is necessary before the PBX and commercial wireless customers will be able to access E 9-1-1 in the same ways that traditional telephone customers have been able to interface with the various levels of 9-1-1 service now available. The real issue, however, is not whether technology exists today to provide for the delivery of ANI/ALI to the PSAP. Such technology exists.² The issue is what the costs will be and who will ultimately pay them.

One crucial pre-condition is that standards be developed, adopted and implemented on a nationwide basis which define the Enhanced 9-1-1 service to be accessed and provided, and by whom. It should be the role of the 9-1-1 service provider community, with the assistance of the Commission and state regulatory authorities, to develop,

² The District finds a recommendation by Motorola to eliminate proposed implementation phase 2 for the provision of two-dimension location information within a three-year period to be more promising, for the reasons given, than the Commission's proposals for the three-step three-dimension location information within five years.

adopt and implement these basic requirements. Much work has been completed in this direction, and the District believes this phase of the process can be concluded in fairly short order, at least at the planning stages. Implementing these standards throughout the country, particularly in those localities where even Basic 9-1-1 has not yet begun, will be an expensive proposition, however. Unless the Federal government is prepared to provide financial assistance to the more rural local governments, it should not force such "progress" on them.

Billions of dollars³ have been invested by State and local governments, working with the landline telephone companies but, to date, with virtually negligible Federal assistance, to establish a nationwide "One Number" system to facilitate the dispatching of emergency help to the American public. As is evident in the Commission's NPRM and the many comments filed in response thereto, remarkable progress has been made over the past twenty or so years. There remains much more to be done to complete and enhance this capability, particularly in view of the very welcome Commission espousal of its interests and responsibilities as clearly set forth in the NPRM.⁴

³ The State of California, alone, has invested over one-half billion dollars to ensure that Californias receive prompt emergency services through the 9-1-1 system. (Comments of Attorneys for the People of the State of California and the Public Utilities Commission of the State of California.)

⁴ This would be true even if it were to be assumed that the service would be limited to those members of the public accessing it by the "traditional" method, i.e., the landline user connected directly to the public switched telephone network. The work still to be done to expand and enhance the 9-1-1 system escalates

The types of PBX other commercial wireless users who are to be, and those who are not to be, accommodated through the "standard" interfaces with the Public Safety Answering Points (PSAPs), must be clearly identified.

There are many types of PBX and wireless mobile radio users who are not now, and will not be anytime in the near future, good candidates for interfacing with the E 9-1-1 PSAPs.⁵ To attempt to bring these people into the picture at the outset, and over their objections, will unnecessarily exacerbate the problems and delay their resolutions.⁶ In the opinion of the District, however, the Commission should require that any PBX or wireless units that are excluded from the "standard" interfacing requirement --

significantly when the tasks of implementing "compatible access" for PBX and wireless customers in the United States are added, and grows even more complex when the global issues raised in the initial comments are considered.

⁵ Jail management systems, for instance.

⁶ Private (non-Commercial) land mobile radio system operators who are financially unable to provide their mobile or portable units with the "standard" E 9-1-1 service which this proceeding contemplates, or do not wish to do so for other reasons, should not be forced to do so. By and large, these systems operate through dispatchers who provide them the degree of emergency calling capability which the licensees believe is necessary for the safety and protection of their employees. The "eyes and ears" that cellular and Commercial wireless systems customers provide to the overall protection and safety of the public through the "standard" interfaces being pursued in this proceeding will not be lost by excluding the private systems from the standard requirements. A radio-equipped taxicab driver, for instance, will still have the capability of requesting emergency assistance through his dispatcher and a "non-standard" interface with law enforcement, fire or emergency medical communications centers.

whether connected into the public switched network or not -- should be technically precluded from dialing "9-1-1". For many years the Commission did not permit the "interconnection" of private radio systems into the public switched network. The District does not propose to deny them complete access to the network, but rather suggests that such interconnection from a mobile or portable unit be accomplished only through one point -- the dispatcher or system coordinator.

The communications satellite interests which have filed initial comments in this proceeding have similarly offered good and sufficient reasons why, at their option, they should be excluded from the "standard" 9-1-1 interference.

The test should be: If "standard" 9-1-1 service is to be provided to the customers of a PBX service or a wireless communications service, the customer of such service must be fully capable of meeting the "standard access" requirements through his service provider. If the "standard 9-1-1 access" is not to be available to the customer of a PBX service or a wireless communication service, the customer of such service must not be technically capable of dialing 9-1-1, and the telephone instrument must bear a label "This phone cannot dial 9-1-1."

In addition to the specific issues set forth in the CC Docket No. 94-102 Notice and/or discussed in the initial comments, the District calls attention to other proceedings which help constitute an unprecedented volume of activity affecting the public safety

land mobile radio services and/or the provision of Enhanced 9-1-1 emergency number service currently before the Commission, the ultimate disposition of which will or possibly could, either directly or indirectly, influence decisions to be made in this proceeding.


One such proceeding is PR Docket No. 93-61, in the matter of amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems⁷. While there are other frequencies to be used for this purpose, and other location techniques available, the Report and Order in this docket does not offer the public a great deal of confidence that the Commission has made a decision here that will stand the test of time,⁸ at least for the location precision and reliability demands required for dispatching emergency law enforcement, fire or emergency medical help.

⁷ Report and Order adopted February 3, 1995 and released February 6, 1995. In this decision the Commission has adopted rules for the future licensing and continued development of a number of services and equipment using the 902-928 MHz band, and establishes a new Location and Monitoring Service (LMS) as a new subpart in Part 90 of the rules for Transportation Infrastructure Radio Services (TIRS). While the text of this Report and Order neither encourages nor discourages use of this new service as a possible component of a process to identify the location of wireless dialers of the 9-1-1 number, the Separate Statement of Commissioner Susan Ness issued to accompany the Report and Order does specifically cite such potential use, along with use of the LMS service in such as "wireless local area networks, cordless telephones and PBXs, remote utility meter reading devices, and wireless security alarm systems."

⁸ "Commissioner Quello concurring and issuing a statement; Commissioner Barrett dissenting and issuing a statement; Commissioners Ness and Chong issuing separate statements." The statements of Commissioners Quello and Barrett, particularly, convey pessimism that this new Location and Monitoring Service (LMS) in the new Transportation Infrastructure Radio Service will be of much help in the caller location process for 9-1-1.

Neither do the initial comments filed in CC Docket No. 94-102 offer enough of a consensus position to predict that resolution of the 9-1-1 wireless caller location question is close at hand.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Martha Carter".

**Martha Carter, 9-1-1 Administrator
Caddo Parish Communications District Number One
1144 Texas Avenue
Shreveport, Louisiana 71101**

March 17, 1995

Phone (318) 266 6282

Regular Session 1995

BILL NO. _____

BY _____

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SPECIAL DISTRICTS. Provides for multi-parish communications districts and authorizes all such districts to increase the emergency telephone service charge and to impose the charge on cellular and wireless service, and otherwise providing with respect thereto.

AN ACT

To amend and reenact R.S. 33: 9101(A), 9102, 9103(A) and (E), 9105, 9106(A) and (B) and to enact R.S. 33:9106 (E), relative to communication districts; to authorize the governing authorities of such districts to acquire and provide communications enhancements to law enforcement and public safety agencies within the district; to authorize an increase in the emergency telephone services charge levied by the governing authorities of such districts, to provide an option on the method of fixing such service charge; to provide for imposition of such charge on amounts received from cellular wire or wireless telecommunications systems and for its assessment against cellular and other wireless phone numbers; to authorize two or more parishes to create communications districts by ordinance; to provide with respect to the composition of the board of commissioners of districts created by two or more parishes; to authorize a communication district to contract with another communications district for performance of its functions or duties; to expand the definition of the term "service user"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9101 (A) and (B), 9102, 9103(A) and (E), 9105, 9106(A) and (B) are hereby amended and reenacted and R.S. 33: 9106 (E) are hereby enacted to read as follows:

§ 9101. Creation of districts as political subdivisions

A.(1) The governing authority of any parish may be ordinance create

1 communications districts composed of any part of all the territory lying wholly
2 within the parish.

3 (2) The governing authorities of two or more parishes may by
4 ordinance create a communications district composed of any part or all of
5 the territory wholly within the boundaries of the parishes.

6 (3) Such districts-- Any district created in accordance with the
7 provisions of this Section shall be a political and legal subdivisions subdivision
8 of the state, with power to sue and be sued in ~~their~~ its corporate names name and
9 to incur debt and issue bonds.

10 * * *

11 B (4) The bonds shall be authorized and issued by ordinance or resolution
12 of the governing authority of the district and shall:

13 * * *

14 **§9102. Purposes**

15 It has been shown to be in the public interest to shorten the time required
16 for a citizen to request and receive emergency aid. The provision of a single,
17 primary three- digit emergency number through with emergency services can be
18 quickly and efficiently obtained will provide a significant contribution to law
19 enforcement and other public service efforts by simplifying the notification of
20 public service personnel. Futhermore, the identification of all streets, roads,
21 highways, and dwelling places by name and number will serve to decrease the
22 response time of law enforcement and public service personnel to emergency calls
23 by facilitating the systematic location of such places without difficulty and
24 ambiguity. Such a simplified means of procuring emergency services will result
25 in the saving of life, a reduction in the destruction of property, quicker

1 apprehension of criminals, and ultimately the saving of monies. Establishment
2 of a uniform emergency number and identification of thoroughfares and dwelling
3 places are matters of concern and interest to all citizens. It is the purpose of this
4 Chapter to establish the number 911 as the primary emergency telephone number
5 for use in communications districts created in parishes as herein provided and to
6 provide for the identification of all streets, roads, highways, and dwelling places
7 in such districts which are not otherwise designated by name and number, and
8 to provide for other communication enhancements for law enforcement and
9 public safety agencies to decrease response time and improve effectiveness.

10 **§9103. Board of Commissioners; membership; qualifications and terms;**
11 **powers; parish governing authority as district governing authority**

12 A.(1) When a district is created wholly within a single parish, the parish
13 governing authority creating it may appoint a board of commissioners composed
14 of seven members to govern its affairs, and shall fix the domicile of the board at
15 any point within the parish. The members of the board shall be qualified electors
16 of the district, two of whom shall be appointed for terms of two years, three for
17 terms of three years, and two for terms of four years, dating from the date of the
18 adoption of the ordinance creating the district. Thereafter, all appointments of the
19 members shall be for terms of four years.

20 * * *

21 **(3) When a communication district is composed of any part or all of**
22 **two or more parishes, the board of commissioners shall be appointed by the**
23 **parish governing authorities, with four members to be appointed by each**
24 **parish governing authority. Of the initial members appointed by each**
25 **parish governing authority, one shall be appointed for a term of two years,**

1 one shall be appointed for a term of three years, and two shall be appointed
2 for a term of four years, dating from the date of the adoption of the
3 ordinance creating the district. Thereafter, all appointments of the
4 members shall be for terms of four years. The members of the board of
5 commissioners shall be qualified electors of the district. The commission
6 may fix its domicile at any point within one of the parishes.

7 * * *

8 E. In lieu of appointing a commission, as provided in this Section, the
9 parish governing authority may serve as the governing authority of the a district
10 located wholly within the parish, in which case it shall assume all the powers
11 and duties of the board of commissioners as provided in this Chapter.

12 * * *

13 **§9105. Methods**

14 The emergency telephone system shall be designed to have the capability
15 of utilizing at least one of the following four methods in response to emergency
16 calls:

17 (1) "Direct dispatch method", that is a telephone service to a centralized
18 dispatch center providing for the dispatch of an appropriate emergency service
19 unit upon receipt of a telephone request for such services and a decision as to the
20 proper action to be taken.

21 (2) "Relay method", that is a telephone service whereby pertinent
22 informaton is noted by the recipient of a telephone request for emergency
23 services, and is relayed to appropriate public safety agencies or other providers
24 of emergency services for dispatch of an emergency service unit.

25 (3) "Transfer method", that is a telephone service that receives telephone

1 requests for emergency services and directly transfers such requests to an
2 appropriate public safety agency or other provider of emergency services.

3 (4) "Referral method", that is a telephone service that, upon the receipt of
4 a telephone request for emergency services, provides the requesting party with the
5 telephone number of the appropriate public safety agency or other provider of
6 emergency services.

7 The governing authority of the district shall select the method that it
8 determines to be the most feasible for the parish district. The district may
9 contract with another communication district to perform all or part of its
10 functions and duties.

11
12 **§9106. Funding; definitions; emergency telephone service charge**

13 A. As used in this Section, the following words and terms shall have the
14 following meanings, unless the context clearly indicates otherwise:

15 (1) "District" means the communications district created pursuant to R.S.
16 33:9101.

17 (2) "E911" means Enhanced Universal Emergency Number Service or
18 Enhanced 911 Service that is a telephone exchange communications service
19 whereby a Public Safety Answering Point (PSAP) designated by the customer
20 may receive telephone calls dialed to the telephone number 911. E911 Service
21 includes lines and equipment necessary for the answering, transferring and
22 dispatching of public emergency telephone calls originated by persons within the
23 serving area who dial 911 but does not include dial tone first that may be made
24 available by the service provider based on the ability to recover the costs
25 associated with its implementation and consistent with tariffs filed with and

1 approved by the Louisiana Public Service Commission.

2 (3) "Exchange access facilities" means all lines or their equivalent
3 wireless service, provided by the service supplier for the provision of local
4 exchange service, as defined in existing general subscriber services tariffs.

5 (4) "Service supplier" means any person providing (a) a landline
6 exchange telephone service, or (b) cellular telephone or telecommunications
7 service, specialized mobile radio service, personal communications service,
8 or any form of wireless telephone or telecommunications service now in
9 existence and that may be provided or developed in the future, and to which
10 subscribers to such services have access to and can utilize a 911 emergency
11 telephone system to any service user throughout the parish district.

12 (5) "Service user" means any person, not otherwise exempt from taxation,
13 who is provided (a) a landline exchange telephone service, or (b) cellular
14 telephone or telecommunications service, specialized mobile radio service,
15 personal communications service, or any form of wireless telephone or
16 telecommunications service now in existence and that may be provided or
17 developed in the future, and to which subscribers to such service have
18 access to and can utilize a 911 emergency telephone system in the parish
19 district.

20 (6) "Tariff rate" means the rate or rates as stated in the landline exchange
21 telephone service supplier's tariffs and approved by the Public Service
22 Commission, that represent the service supplier's recurring charges for exchange
23 access facilities, exclusive of all taxes, fees, licenses, or similar charges
24 whatsoever. If landline exchange access facilities are provided by the landline
25 exchange telephone service supplier under both flat and usage-sensitive rate

1 schedules, the flat rates shall be considered the "tariff rate."

2 (7) "Fund the district" means pay the expenses necessary to carry out all
3 purposes of the district, including but not limited to identification of all streets,
4 roads, highways, and dwelling places in the district **and to provide for other**
5 **communication enhancements for law enforcement and public safety**
6 **agencies to decrease response time and improve effectiveness** pursuant to
7 R.S. 33:9102 and R.S. 33:9106(D).

8 B. (1) The governing authority of the district may, when so authorized by
9 a vote of a majority of the persons voting within the district in accordance with
10 law, levy an emergency telephone service charge ~~in an amount not to exceed five~~
11 ~~percent of the tariff rate; however, if a district is served by more than one service~~
12 ~~supplier, then the emergency telephone service charge shall not exceed five~~
13 ~~percent of the highest tariff rate.~~ The district governing authority may, upon its
14 own initiative, call such a special election. Any such service charge shall:

15 (a) Have uniform application **among service users of the same**
16 **classification;**

17 (b) ~~and shall~~ be imposed throughout the entirety of the district to
18 the greatest extent possible in conformity with the availability of such service in
19 any area of the district.

20 (2) **Such service charge to all service users shall be levied on a**
21 **uniform flat-fee schedule of fixed rates for residential, commercial and**
22 **cellular or other wireless telecommunication service provided such service**
23 **charge may not exceed \$ 1.00 for each wired or wireless residential line;**
24 **\$ 2.00 for each wired or wireless business line, and \$ 1.00 for each cellular**
25 **or non-fixed location wireless telecommunications service.**

1 (3) For cellular or other non-fixed location wireless
2 telecommunications service users, such service charge shall be assessed
3 against each cellular or other wireless phone number for which the billing
4 address is within the boundaries of the district.

5 (4) Communication Districts which have service charges based on a
6 percentage of tariff rate shall not be required to convert to flat-rate service
7 charges. If such district is served by more than one supplier then such
8 service charge shall not exceed five percent of the highest tariff rate. If the
9 emergency telephone service charge is based on a percentage of tariff and
10 the applicable tariff rate is repealed or no longer utilized, the service charge
11 shall convert to a flat rate which equals the former tariff-based rate.
12 Communication Districts with service charges based on a percentage of
13 tariff may convert to flat-rate charges that do not exceed its previously
14 authorized rate without necessity of voter approval. In order for a district
15 to adopt flat-rate service charges which exceed the previously authorized
16 tariff-based rate such increase must first be authorized by a vote of a
17 majority of the persons voting within the district.

18 (2)(5)

19 * * *

20 ~~(3)(6) (a) An emergency telephone service charge shall be imposed only~~
21 ~~upon the amount received from the tariff rate exchange access lines. If there is~~
22 ~~no separate exchange access charge stated in the service supplier's tariffs, the~~
23 ~~governing authority shall determine a uniform percentage not in excess of eighty-~~
24 ~~five per centum of the tariff rate for basic exchange telephone service that shall~~
25 ~~be deemed to be equivalent of tariff rate exchange access lines, until such time~~

1 as the service supplier establishes such a tariff rate. No such service charge shall
2 be imposed on more than one hundred exchange access facilities per person per
3 location.

4 (b) Every billed service user shall be liable for any service charge imposed
5 under this Subsection until it has been paid to the service supplier. The duty of
6 the service supplier to collect any such service charge shall commence on the date
7 of its implementation, which shall be specified in the ordinance or resolution
8 calling the election. Any such emergency telephone service charge shall be added
9 to and may be stated separately in the billing by the service supplier to the service
10 user.

11 ~~(4)~~ (7)(a) The service supplier shall have no obligation to take any legal
12 action to enforce the collection of any emergency telephone service charge.
13 However, the service supplier shall annually provide the district governing
14 authority with a list of the amount uncollected, together with the names and
15 addresses of those service users who carry a balance that can be determined by
16 the service supplier to be nonpayment of such service charge. The service charge
17 shall be collected at the same time as the tariff rate or other regular charges in
18 accordance with the regular billing practice of the service supplier.

19 * * *

20 ~~(5)~~ (8) . . .

21 * * *

22 R.S. 33: 9106 (E) is all proposed new law.

23 E. Until such time as cellular and other wireless communication
24 service suppliers are capable of providing and do provide automatic number
25 identification ("ANI") and automatic location identification ("ALI")

1 supplier's of such service shall not be liable for any claim, damages, costs,
2 and expenses, including reasonable attorneys fees, with respect to and as a
3 result of any claim or action relating to delivery of or reliance by enhanced
4 911 or 911 on such information.
5